

ALTMAN SCHOCHET, LLP

ATTORNEYS AT LAW

January 18, 2012

VIA ELECTRONIC CASE FILING

Hon. William D. Wall
U.S. Magistrate Judge
Alfonse M. D'Amato U.S. Courthouse
100 Federal Plaza
Central Islip, New York 11722-4449

Re: Financial Life Services, Inc. v. N. Bergman Insurance Trust, CA No. CV-10-4499
MOTION FOR RECONSIDERATION

Dear Judge Wall:

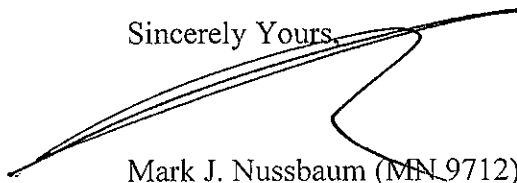
As you may recall this firm represents the N. Bergman Insurance Trust (the "Trust") in the above referenced matter. On January 19, 2012 your Honor So Ordered the substance of the proposed order (DE 26-1) of the Plaintiff (the "Order").

The Order fails to address several issues raised in the conference call with the Court. Section 3, subsection f. fails to recognize the Trust as a qualified bidder or a preferred method for allowing the Trust to be a qualified bidder. Section 3. subsections j., l., and m., fail to recognize that the Trust is entitled to any and all monies received in connection with the auction in excess of the Judgment, plus the costs of publication and auction agent's services. Moreover, under Section 3., subsection d. there is a requirement that interested parties must sign a confidential agreement, such requirement is unnecessary and potentially turning away interested purchasers. We respectfully request that the Order be modified to recognize the Trust as a qualified bidder, or a preferred method to allow for same, clearly state that the Trust is entitled to any and all monies in excess of the judgment and related allowed costs, and forgo the requirement of a potential purchaser from signing a confidentiality agreement before being provided with the additional information in connection with the Policy.

Should the Court have any questions concerning this matter, we will gladly render a supplemental response with additional information in writing or by appearance.

Thank you.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Mark J. Nussbaum', with a stylized flourish extending from the end.

Mark J. Nussbaum (MN 9712)

MJN/rd

cc: Harris Beach PLLC @ sivy@harrisbeach.com